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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CURS, NATHAN M	
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			2633	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/892,918	KAJIYA ET AL. <i>JK</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Nathan Curs	2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 January 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-14 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 07 July 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Withdrawal of Finality***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action, based on the interview of 3 November 2004, is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admission of prior art (figs. 12-15 and page 2, line 23 to page 9, line 15). When the applicant states that something is conventional, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections.

Regarding claim 1, the applicant's specification discloses as conventional an optical transmission apparatus for transmitting an optical pulse string having a frequency two times that of a driving signal, said optical transmission apparatus comprising: a Mach-Zehnder optical modulator; a light source which inputs an optical signal into said optical modulator; a driving unit which inputs the driving signal into the optical modulator; a converting unit which takes out a part of an optical signal output from said optical modulator and converts that part of the optical signal into electric signal; an extracting unit which extracts a frequency component of the driving signal included in the electric signal converted by said converting unit; an error signal generating

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unit which generates an error signal of a bias voltage for minimizing a value of a frequency component of the driving signal extracted by said extracting unit; and a bias voltage control unit which applies a bias voltage obtained as a result of addition of the bias voltage and a voltage corresponding to the error signal to said optical modulator (figs. 12-15 and page 2, line 23 to page 9, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention that the claimed apparatus is conventional, as disclosed by the applicant.

Regarding claim 4, the applicant's specification discloses as conventional the optical transmission apparatus according to claim 1 further comprising a dither signal generating unit which generates a dither signal that is input into the error signal generating unit and the bias voltage control unit, wherein said error signal generating unit carries out a synchronous detection by multiplying a dither signal to a frequency component of a driving signal or a frequency component two times that of the driving signal extracted by said extracting unit, and outputs a result of this synchronous detection to the bias voltage control unit as an error signal of the bias voltage, and said bias voltage control unit applies to said optical modulator a signal obtained by super imposing the error signal of the bias voltage with the bias voltage and the dither signal (figs. 12, elements 112 and 117 and page 2, line 23 to page 5, line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention that the claimed apparatus is conventional, as disclosed by the applicant.

Regarding claim 9, the applicant's specification discloses as conventional a bias voltage control method for an optical modulator to be used for an optical transmission apparatus that inputs an optical signal into a Mach-Zehnder optical modulator, applies a driving signal and a bias voltage to said optical modulator, and transmits an optical pulse string having a frequency two times that of the driving signal, the method comprising the steps of: taking out a part of an optical signal output from said optical modulator and converting that part of the optical signal

into electric signal; extracting a frequency component of the driving signal from the obtained electric signal; generating an error signal of a bias voltage for minimizing a value of the frequency component of the driving signal; and applying a bias voltage obtained as a result of addition of the bias voltage and a voltage corresponding to the error signal to said optical modulator (figs. 12-15 and page 2, line 23 to page 9, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention that the claimed apparatus is conventional, as disclosed by the applicant.

4. Claims 1, 4, 5, 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooi et al. (US Patent No. 6362913) in view of applicant's admission of prior art (figs. 12-15 and page 2, line 23 to page 9, line 15).

Regarding claim 1, Ooi et al. disclose an optical transmission apparatus for transmitting an optical pulse string having a frequency two times that of a driving signal, said optical transmission apparatus comprising: a Mach-Zehnder optical modulator (fig. 34, element 2); a light source which inputs an optical signal into said optical modulator (fig. 34, element 1); a driving unit which inputs the driving signal into the optical modulator (fig. 34, element 4); a converting unit which takes out a part of an optical signal output from said optical modulator and converts that part of the optical signal into electric signal (fig. 34, elements 7 and 8); an extracting unit (fig. 34, elements 8 and 9); an error signal generating unit which generates an error signal of a bias voltage for minimizing a value of a frequency component of the driving signal extracted by said extracting unit (fig. 34, element 10); and a bias voltage control unit which applies a bias voltage to said optical modulator (fig. 34, element 12) (col. 3, line 5 to col. 4, line 2). In the figure 34 embodiment, Ooi et al. do not disclose an extracting unit which extracts a frequency component of the driving signal included in the electric signal converted by

said converting unit; however this feature is disclosed in another embodiment (fig. 7, elements 57a and 57b and col. 14, line 64-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the bandpass filter of the figure 7 embodiment in the figure 34 embodiment as well, to raise the precision of the phase comparator, as taught by Ooi et al. Also, Ooi et al. disclose applying a bias voltage to the optical modulator, where the bias supply circuit inputs the error signal of the bias voltage, and that the error signal is at zero when the bias is proper, since the error signal is based on the detection of the fo frequency component and where the bias voltage applied to the modulator is controlled in dependence on the direction of drift of the operating point of the modulator, said drift represented by the error signal of the bias voltage (fig. 34, and col. 3, line 63 to col. 4, line 2), but do not explicitly disclose a bias voltage added with the error signal of the bias voltage and then applied to the optical modulator. The applicant's admitted prior art discloses a DC bias voltage added with an error signal of the bias voltage to create a controlled bias signal then applied to an optical modulator (specification fig. 12, element 110 and page 2, line 23 to page 9, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the output of a DC voltage source to the error signal inputted to the Bias Supply Circuit of Ooi et al., to provide the advantage of a baseline bias voltage level in the event that the error signal is at a very small level or zero (i.e. when the modulator is properly biased). In the case of a very small or zero error signal level, the modulator would become unstable and inoperable if the bias voltage consisted of only the error signal. This would contradict the disclosure that the bias is proper when the error signal is at zero. Without a controlled voltage source added with the error signal voltage, the modulator would not be able to operate when the error signal was zero.

Regarding claim 4, the combination of Ooi et al. and applicant's admitted prior art disclose the optical transmission apparatus according to claim 1, further comprising a dither

signal generating unit which generates a dither signal that is input into the error signal generating unit (Ooi et al.: fig. 34, element 5 and fig. 25, elements 54 and 73), wherein said error signal generating unit carries out a synchronous detection by comparing a dither signal to a frequency component of a driving signal or a frequency component two times that of the driving signal extracted by said extracting unit, and outputs a result of this synchronous detection to the bias voltage control unit as an error signal of the bias voltage, and said bias voltage control unit applies to said optical modulator a signal obtained by super imposing the error signal of the bias voltage with the bias voltage (as described above for claim 1). Ooi et al. disclose outputting a phase difference between the dither frequency signal and the extracted frequency component (Ooi et al.: col. 3, lines 21-26 and col. 22, lines 24-36), but do not disclose multiplying the dither signal with the frequency component of the driving signal. However, Ooi et al. also disclose extracting and isolating the frequency component of the driving signal in the transmission signal using a bandpass filter (Ooi et al.: col. 14, lines 64-67) and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention that the phase difference could be achieved by multiplying the dither frequency signal by the isolated frequency component of the extracted signal to get a phase difference result. Also, Ooi et al. disclose superimposing the dither signal onto the driving signal, and disclose the driving signal and the bias voltage applied to the same modulator electrode, but do not disclose input the dither signal to the bias voltage control unit. However, it would have been obvious to one of ordinary skill in the art at the time of the invention that the dither signal could be applied to either the driving signal or the bias voltage of Ooi et al., in order to superimpose the bias signal on the transmission signal during the modulation of Ooi et al., since both the driving signal and bias voltage are applied to the same modulator electrode.

Regarding claim 5, Ooi et al. disclose an optical transmission apparatus for transmitting an optical pulse string having a frequency two times that of a driving signal, said optical transmission apparatus comprising: a Mach-Zehnder optical modulator (fig. 25, element 52); a light source which inputs an optical signal into said optical modulator (fig. 25, element 51); a driving unit which inputs the driving signal into said optical modulator (fig. 25, element 53); a converting unit which takes out a part of an optical signal output from said optical modulator and converts that part of the optical signal into electric signal (fig. 25, elements 56 and 57a); an extracting unit which extracts a frequency component two times that of the driving signal included in the electric signal converted by said converting unit (fig. 25, element 2fo and col. 22, lines 24-36); an error signal generating unit which generates an error signal of a bias voltage for maximizing a value of the frequency component two times that of the driving signal extracted by said extracting unit (fig. 25 and col. 22, lines 24-36). Ooi et al. disclose applying a bias voltage to the optical modulator, where the bias supply circuit inputs the error signal of the bias voltage, and that the error signal is at a maximum when the bias is proper, since the error signal is based on the detection of the 2fo frequency component (fig. 25, element 58 and col. 22, lines 18-49), and where the bias voltage applied to the modulator is controlled in dependence on the direction of drift of the operating point of the modulator, said drift represented by the error signal of the bias voltage (fig. 7 and col. 15, lines 1-16, which also applies to the fig. 25 embodiment as disclosed by Ooi et al.), but do not explicitly disclose a bias voltage added with the error signal of the bias voltage and then applied to the optical modulator. The applicant's admitted prior art discloses a DC bias voltage added with an error signal of the bias voltage to create a controlled bias signal then applied to an optical modulator (specification fig. 12, element 110 and page 2, line 23 to page 9, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the output of a DC voltage source to the error signal inputted to the

Bias Supply Circuit of Ooi et al., to provide the advantage of a baseline bias voltage level in the event that the error signal is at a very small level (i.e. if the modulator were to become improperly biased). In the case of a very small error signal level, the modulator would become unstable and inoperable if the bias voltage consisted of only the error signal. Without a controlled voltage source added with the error signal voltage, the modulator would not be able to recover when the error signal was low.

Regarding claim 8, the combination of Ooi et al. and applicant's admitted prior art discloses the optical transmission method according to claim 5, further comprising a dither signal generating unit which generates a dither signal that is input into the error signal generating unit (Ooi et al.: fig. 34, element 5 and fig. 25, elements 54 and 73), wherein said error signal generating unit carries out a synchronous detection by comparing a dither signal to a frequency component of a driving signal or a frequency component two times that of the driving signal extracted by said extracting unit, and outputs a result of this synchronous detection to the bias voltage control unit as an error signal of the bias voltage, and said bias voltage control unit applies to said optical modulator a signal obtained by super imposing the error signal of the bias voltage with the bias voltage (Ooi et al.: col. 3, line 5 to col. 4, line 2). The combination discloses outputting a phase difference between the dither frequency signal and the extracted frequency component (Ooi et al.: col. 3, lines 21-26 and col. 22, lines 24-36), but does not disclose multiplying the dither signal with the frequency component of the driving signal. However, the combination also discloses extracting and isolating the frequency component of the driving signal in the transmission signal using a bandpass filter (Ooi et al.: col. 14, lines 64-67) and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention that the phase difference could be achieved by multiplying the dither frequency signal by the isolated frequency component of the extracted signal to get a phase

difference result. Also, the combination discloses superimposing the dither signal onto the driving signal, and discloses the driving signal and the bias voltage applied to the same modulator electrode, but does not disclose input the dither signal to the bias voltage control unit. However, it would have been obvious to one of ordinary skill in the art at the time of the invention that the dither signal could be applied to either the driving signal or the bias voltage, in order to superimpose the bias signal on the transmission signal during the modulation, since both the driving signal and bias voltage are applied to the same modulator electrode.

Regarding claim 9, Ooi et al. disclose a bias voltage control method for an optical modulator to be used for an optical transmission apparatus that inputs an optical signal into a Mach-Zehnder optical modulator (fig. 34, element 2), applies a driving signal and a bias voltage to said optical modulator (fig. 34, elements 4 and 12), and transmits an optical pulse string having a frequency two times that of the driving signal (col. 3, lines 42-52), the method comprising the steps of: taking out a part of an optical signal output from said optical modulator and converting that part of the optical signal into electric signal (fig. 34, elements 7 and 8); extracting a component of the output signal (fig. 34, elements 8 and 9); generating an error signal of a bias voltage for minimizing a value of the frequency component of the driving signal (fig. 34, element 10); and applying a bias voltage to said optical modulator (fig. 34, element 12) (col. 3, line 5 to col. 4, line 2). In the figure 34 embodiment, Ooi et al. do not disclose an extracting unit which extracts a frequency component of the driving signal included in the electric signal converted by said converting unit; however this feature is disclosed in another embodiment (fig. 7, elements 57a and 57b and col. 14, line 64-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the bandpass filter of the figure 7 embodiment in the figure 34 embodiment as well, to raise the precision of the phase comparator, as taught by Ooi et al. Also, Ooi et al. disclose applying a bias voltage to the

optical modulator, where the bias supply circuit inputs the error signal of the bias voltage, and that the error signal is at zero when the bias is proper, since the error signal is based on the detection of the  $2f_0$  frequency component and where the bias voltage applied to the modulator is controlled in dependence on the direction of drift of the operating point of the modulator, said drift represented by the error signal of the bias voltage (fig. 34, and col. 3, line 63 to col. 4, line 2), but do not explicitly disclose a bias voltage added with the error signal of the bias voltage and then applied to the optical modulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the applicant's prior art voltage source teaching with Ooi et al. as described above for claim 1.

Regarding claim 10, Ooi et al. disclose a bias voltage control method for an optical modulator to be used for an optical transmission apparatus that inputs an optical signal into a Mach-Zehnder optical modulator (fig. 25, element 52), applies a driving signal and a bias voltage to said optical modulator (fig. 25, elements 53 and 58), and transmits an optical pulse string having a frequency two times that of the driving signal (col. 22, lines 24-36), the method comprising the steps of: taking out a part of an optical signal output from said optical modulator and converting that part of the optical signal into electric signal (fig. 25, elements 56 and 57a); extracting a frequency component two times that of the driving signal from the obtained electric signal (fig. 25, element 2f<sub>0</sub> and col. 22, lines 24-36); generating an error signal of a bias voltage for maximizing a value of the frequency component two times that of the driving signal (fig. 25 and col. 22, lines 24-36). Ooi et al. disclose applying a bias voltage to the optical modulator, where the bias supply circuit inputs the error signal of the bias voltage, and that the error signal is at a maximum when the bias is proper, since the error signal is based on the detection of the  $2f_0$  frequency component (fig. 25, element 58 and col. 22, lines 18-49), and where the bias voltage applied to the modulator is controlled in dependence on the direction of drift of the

operating point of the modulator, said drift represented by the error signal of the bias voltage (fig. 7 and col. 15, lines 1-16, which also applies to the fig. 25 embodiment as disclosed by Ooi et al.), but do not explicitly disclose a bias voltage added with the error signal of the bias voltage and then applied to the optical modulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the applicant's prior art voltage source teaching with Ooi et al. as described above for claim 5.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooi et al. (US Patent No. 6362913) in view of applicant's admission of prior art (figs. 12-15 and page 2, line 23 to page 9, line 15), as applied to claims 1, 4, 5, 8, 9 and 10 above, and further in view of Miyamoto et al. (US Patent No. 6559996).

Regarding claims 2 and 6, the combination of Ooi et al. and applicant's admitted prior art discloses the optical transmission apparatus and method according to claims 1 and 5 respectively, but does not disclose that said light source generates a modulated optical pulse synchronous with the driving signal and having a bit rate two times that of the driving signal, and supplies the optical pulse to said optical modulator, and said optical modulator pulse modulates the optical pulse with the driving signal and outputs the modulated optical pulse. Miyamoto et al. disclose an optical source modulated by a clock signal synchronized with a transmission rate, and then modulated by a data signal, the double modulation producing an RZ signal (fig. 26 and col. 13, line 63 to col. 14, line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a modulated source signal prior to the existing modulator in the system of Ooi et al., in order to be able to produce an RZ transmission signal, for better transmission performance and longer transmission distance, as taught by Miyamoto et al. (col. 1, lines 30-51).

6. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooi et al. (US Patent No. 6362913) in view of applicant's admission of prior art (figs. 12-15 and page 2, line 23 to page 9, line 15), as applied to claims 1, 4, 5, 8, 9 and 10 above, and further in view of Jabr (US Patent No. 6229632).

Regarding claims 3 and 7, the combination of Ooi et al. and applicant's admitted prior art discloses the optical transmission apparatus and method according to claims 1 and 5 respectively, but does not disclose that said light source includes a plurality of single-wavelength light sources each of which emits light having different single-wavelength, said optical transmission apparatus further comprising an optical filter, provided at the front stage of said converting unit, which transmits light having only a desired wavelength out of the lights having different wavelength emitted by said single-wavelength light sources that constitute an optical signal output from said optical modulator. Jabr disclose an optical modulator based transmitter for improving signal to noise ratio that uses a plurality of single-wavelength light sources having different wavelengths, modulating the wavelengths with a MZ modulator, followed by filtering and recombination of the wavelengths (fig. 2 and col. 2, line 43 to col. 3, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the plural wavelength source transmission method of Jabr with the stabilized bias voltage modulator of Ooi et al. to improve the signal to noise ratio of the transmission of the Ooi et al. system, as taught by Jabr. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention, in order to properly maintain the bias stabilization function of Ooi et al. when combining with the teaching of Jabr, to add a single wavelength filter at the front of the converting unit of Ooi et al., to filter out one wavelength of the plural wavelength transmission, either to extract the low frequency component if one only source wavelength were

to carry the component, or to extract the component from only one wavelength if both wavelengths were to carry the component to avoid any phase cancellation of the component that could occur from extracting the same component from both wavelengths without filtering.

7. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooi et al. (US Patent No. 6362913) in view of applicant's admission of prior art (figs. 12-15 and page 2, line 23 to page 9, line 15), and further in view of Ishihara (US Patent No. 5557648).

Regarding claim 11, Ooi et al. disclose a method of making an optical transmission apparatus, comprising: providing an optical modulator to output an optical signal (fig. 25, element 52); providing a first signal generator to generate a driving signal for said optical modulator, said driving signal including a frequency component (fig. 25, element 53); and providing a second signal generator to generate an error signal generated from the frequency component, indicating a change in a bias voltage to be input to said optical modulator (fig. 25, elements 57a, 57b, 57c and 57d and col. 14, lines 61-67 and col. 22, lines 24-36); providing a controller to generate the bias voltage, and where said bias voltage and said driving signal are input to drive the optical modulator (fig. 25, elements 55 and 58). Ooi et al. disclose applying a bias voltage to the optical modulator, where the bias supply circuit inputs the error signal of the bias voltage, and that the error signal is at a maximum when the bias is proper, since the error signal is based on the detection of the 2fo frequency component (fig. 25, element 58 and col. 22, lines 18-49), and where the bias voltage applied to the modulator is controlled in dependence on the direction of drift of the operating point of the modulator, said drift represented by the error signal of the bias voltage (fig. 7 and col. 15, lines 1-16, which also applies to the fig. 25 embodiment as disclosed by Ooi et al.), but do not explicitly disclose a predetermined bias voltage combined with the error signal of the bias voltage and then applied

to the optical modulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the applicant's prior art voltage source teaching with Ooi et al. as described above for claim 5. Also, Ooi et al. disclose that said error signal is generated in a feedback loop and is generated from the frequency component, but do not disclose that it is generated from the frequency component satisfying a predetermined threshold to generate a digital detection signal which is converted to an analog signal. Ishihara discloses a control circuit including a determining circuit that DC averaging circuit for an alternating signal input and has a digitizing converter receiving a the DC signal and converting the DC signal from an analog signal to a digital signal (fig. 23 and col. 15, lines 38-59), using quantizing thresholds. It would have been obvious to an artisan at the time of the invention to use the teaching of the control circuit of Ishihara et al. for the error signal generating circuit of Ooi et al., to provide the benefit of digital precision, based on the quantizing thresholds, in defining the level of an error signal. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a digital-to-analog converter, which are well known in the art, at the output of the error signal generating circuit, before combining the error signal with the analog bias signal circuit for the modulator, so that the analog signal levels are compatible.

Regarding claim 12, the combination Ooi et al., applicant's admitted prior art and Ishihara disclose the method of claim 11, wherein said providing includes providing the optical modulator to output an optical signal with a frequency two times greater than value of frequency component of the driving signal (Ooi et al.: fig. 25, element 2fo and col. 22, lines 24-36).

Regarding claim 13, the combination Ooi et al., applicant's admitted prior art and Ishihara disclose the method of claim 11, but do not disclose minimizing the detected frequency component for the fig. 25 apparatus of Ooi et al. However, Ooi et al. disclose that providing the second signal generator to generate an error signal to minimize the value of the detected

frequency component of the driving signal is conventional (fig. 34 and col. 3, lines 5-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to minimize the detected frequency component in controlling the bias voltage of the modulator, as this approach using phase comparison of the detected frequency component and the generated frequency component is conventional, as taught by Ooi et al.

Regarding claim 14, the combination Ooi et al., applicant's admitted prior art and Ishihara disclose the method of claim 11, wherein said providing includes providing the second signal generator to generate an error signal to maximize value of two times frequency component of the driving signal (fig. 25 and col. 22, lines 24-36).

#### ***Response to Arguments***

8. Applicant's arguments, presented in the interview of 3 November 2004 and filed 19 January 2005, regarding Ooi et al. not explicitly disclosing adding of a bias voltage to the error signal of the bias voltage, with respect to the rejection(s) of claim(s) 5, 10 and 11 and their depending claims, have been fully considered and are persuasive. Therefore, the previous rejections have been withdrawn. However, upon further consideration, new ground(s) of rejection are made as described above, further considering the applicant's admitted prior art.

9. Regarding claims 5 and 10, the applicant argues that Ooi does not anticipate or make obvious the recited feature of generating an error signal of a bias voltage for maximizing a value of a frequency component two times that of the driving signal. However, Ooi et al. do disclose this feature (fig. 25 and lines 18-49). Ooi et al. disclose detecting the low frequency component  $2f_0$  and controlling the operating point of the modulator (which operation point is controlled by the bias voltage applied to the modulator) so as to maximize the low frequency component

(2fo). Ooi et al. shows that the output of the phase comparator is input to the bias supply circuit, which controls the bias voltage applied to the modulator. The output of the phase comparator is an error signal of the bias voltage since it is based on the low frequency component (2fo), which indicates if the bias voltage is proper or improper.

10. Regarding claims 1 and 9, the applicant argues that the claimed invention uses the fc frequency component or the 2fc frequency component for carrying out the bias voltage control. However, with respect to claims 1 and 9, the applicant only claims using the fc frequency component for carrying out the bias voltage control and not the 2fc component. The applicant further argues that the applicant admitted prior art (AAPA) contrasts the claimed invention because the AAPA discloses an optical signal having a frequency (fc) generated by the Mach-Zender optical modulator for the driving signal having a frequency (fc). However, this reads on the claimed invention because the claims recite extracting a frequency component of the driving signal from the optical signal output. The applicant further argues the AAPA is in contrast to the claimed invention because the AAPA discloses that a low frequency signal output from the dither signal generator is used in carrying out the bias voltage control. However, the presence of the dither signal generator in the AAPA doesn't contrast any of the claimed limitations of claims 1 and 9.

The applicant further argues that Ooi et al. do not disclose carrying out bias control using the fc component or 2fc component included in the optical signal. As stated above, bias control using the 2fc component is not claimed in claims 1 and 9. In addition, Ooi et al. do extract the fc component from the optical signal and use it in carrying out bias control (Ooi et al.: col. 3, line 5 to col. 4, line 2). The use of a low frequency oscillator and low frequency imposing unit in Ooi et al. doesn't contrast any of the claimed limitations of claim 1 and 9.

***Conclusion***

11. Any inquiry concerning this communication from the examiner should be directed to N. Curs whose telephone number is (571) 272-3028. The examiner can normally be reached M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached at (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

*m. r. Sedighian*  
**M. R. SEDIGHIAN**  
**PRIMARY EXAMINER**